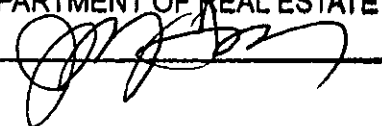


FILED

MAY 19 2010

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY: 

In the Matter of the Application of)	No. H-36399 LA
)	
JERRY WHITE,)	L-2010010607
)	
)	
Respondent.)	
_____)	

DECISION

The Proposed Decision dated April 13, 2010, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

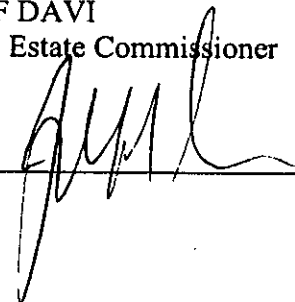
The application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy of Section 11522 is attached hereto for the information of respondent.

If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto.

JUN - 8 2010 This Decision shall become effective at 12 o'clock noon on _____.

IT IS SO ORDERED 5/18/2010

JEFF DAVI
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

JERRY WHITE,

Case No. H-36399 LA

OAH No. 2010010607

Respondent.

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on March 16, 2010.

Julie L. To, Staff Counsel, represented Robin Trujillo (Complainant), a Deputy Real Estate Commissioner in the Department of Real Estate (Department), State of California.

Jerry White (Respondent) represented himself and was present throughout the hearing.

Oral and documentary evidence was received, and the matter argued.

The case was submitted for decision on March 16, 2010.

FACTUAL FINDINGS

1. Complainant filed the Statement of Issues in this proceeding in her official capacity.
2. On March 3, 2008, Respondent made application to the Department for a real estate salesperson license.

/

/

3. Respondent has been convicted of the following crimes:

a. On October 16, 1974, in California Superior Court, County of Los Angeles, Respondent was convicted of violating two counts of Vehicle Code section 10851, taking a vehicle without consent of owner/theft, a misdemeanor; one count of violating Penal Code section 487.3, theft, and one count of violating Penal Code section 496, buying stolen property, all misdemeanors. The court placed Respondent on summary probation for a period of 24 months subject to certain terms and conditions including serving seven days in jail or payment of a \$140.00 fine.

b. On August 23, 1976, in California Superior Court, County of Los Angeles, Respondent was convicted of violating Penal Code section 484, subdivision (a) theft of property, a misdemeanor. The court placed Respondent on summary probation for a period of twelve months and payment of a \$95.00 fine.

c. On December 2, 1986, Respondent was convicted of violating Penal Code section 242, battery, a misdemeanor. The court placed Respondent on summary probation for a period of three years upon certain terms and conditions including fifty three days in the county jail.

d. On June 8, 2001, in the California Superior Court, County of Los Angeles, Respondent was convicted of violating Penal Code section 484, subdivision (a), theft of property, a misdemeanor. The court placed Respondent on summary probation for a period of twelve months upon certain terms and conditions including serving three days in the county jail and payment of \$163.00 for fines and fees.

e. On August 26, 2002, in the California Superior Court, County of Los Angeles, Respondent was convicted of violating Penal Code section 666-484, subdivision (a), petty theft with a prior, a misdemeanor. The court placed Respondent on summary probation for a period of thirty six months upon certain terms and conditions including serving five days in the county jail and paying a fine and fees of \$170.00.

f. In Aggravation. On April 3, 2000, in the California Superior Court, County of Los Angeles, Respondent was convicted of violating Health and Safety Code section 11350, subdivision (a), possession of a controlled substance, a felony. The court placed Respondent on formal probation for a period of thirty six months upon certain terms and conditions including serving ninety days in the county jail and following the directions of his probation officer. On September 24, 2002, Respondent was found in violation of his probation. The court ordered that Respondent serve 365 days in the county jail with the alternative that Respondent could be released to a live-in rehabilitation program. Respondent elected the live-in program and entered the Royal Palms Recovery Home. He successfully completed this program. On April 9, 2008, the court granted Respondent's motion to expunge the conviction and to relieve him from all disabilities incurred as a result thereof, pursuant to Penal Code sections 1203.4 and 1203.4, subdivision (a).

4. Respondent admits all of his criminal convictions. His problems started in 1972 and continued to the time he entered the rehabilitation program at Royal Palms Recovery Home. During that time, Respondent was an alcoholic who eventually lived on the streets and stole food to feed himself. Respondent was in the Royal Palms program for one year. The first sixty days he lived in the facility. He was an outpatient for the next three or four months. During this time, Respondent passed all sobriety tests that he was given. Respondent continues to attend meetings at Royal Palms to this time.

5. While at Royal Palms Respondent began attending Alcoholics Anonymous meetings. He presently continues to attend meetings twice a week. Respondent has two sponsors who work with him on the 12 Step Program. Respondent has been clean and sober since August 2002.

6. Following his recovery, Respondent went back to school and qualified to take the electricians license examination. In that application, Respondent disclosed his criminal convictions. Three years ago Respondent received a C-10 Electrical Contractor license from the California State Contractor Board. No administrative actions have been filed against the license. For the past eight years, Respondent has owned his own business.

7. Respondent also went to school took all of the courses necessary for a California Real Estate Salesperson license. He has successfully completed those courses. His real estate application is thirty seven pages long. It includes four letters of recommendation from one of his counselors in the recovery program, the minister of the church he attends, the Executive Director of the World Literacy Crusade, and one of his Alcoholic Anonymous sponsors. All of them were very high in their praise of Respondent and his over six years of successful recovery. At the time of the hearing in this matter, the real estate broker who his willing to hire Respondent, personally appeared to support Respondent's license application. She has known Respondent for a period of years.

8. From the foregoing, it is seen that Respondent has had a complete and positive change in his life since he has attained sobriety. In addition to his work with Alcoholic Anonymous, Respondent contributes funds to a children's softball team, assists in mentoring programs at his church, and contributes financially to the World Literacy Crusade.

9. In his license application, Respondent disclosed three of his criminal convictions plus a municipal court conviction that has not been cited by Complainant in this proceeding. In the case of the three convictions disclosed, he included complete court docket print outs of those proceedings. The three convictions not disclosed by Respondent are for periods of time from 1974 through 1986, where the original records are no longer available and summaries have limited availability. Respondent indicated that he has difficulty in recalling everything that went on during the period of his

alcoholism. However, he has made no secret of the problems he created during that period in his life. Respondent has been quite candid regarding his past with all with whom he has come in contact. There was no intent of Respondent to mislead the Department in failing to disclose the earliest of his conviction.

10. Under the circumstances of this case, Respondent did not knowingly make a false statement of a material fact in his license application to the Department or attempt to procure a real estate license by fraud, misrepresentation, deceit or making a material misstatement of fact.

LEGAL CONCLUSIONS

1. These proceedings are brought under the provisions of Business and Professions Code section 10100 et seq. and Government Code sections 11500 through 11528.

2. Respondent's criminal convictions set for in Factual Finding 3 are substantially related to the qualifications, functions or duties of a licensee of the Department as more fully set described in the California Code of Regulations, title 10, section 2910, subdivision (a) (1) and (8) in that they involve appropriating property belonging to another person and doing unlawful acts with the intent of conferring a financial or economic benefit upon Respondent.

3. Pursuant to Business and Professions Code Sections 475, subdivision (a) (2); 480, subdivision (a) (1); and 10177, subdivision (b), cause exists to deny Respondent's application for a real estate license, in that Respondent has been convicted of a crimes that are substantially related to the qualifications, functions or duties of a licensee of the Department.

4. Pursuant to the provisions of Business and Profession Code sections 480, subdivision (d) and 10177, subdivision (a), cause does not exist to deny Respondent's license application in light of Factual Finding 10.

5. The Department's Criteria of Rehabilitation, set forth in California Code of Regulations, title 10, section 2911, provide the factors to be considered in evaluating the rehabilitation of an applicant for a license issued by the Department. Under the criteria, two years are required to have elapsed since the latest criminal conviction. In this case, it has been nearly eight years since Respondent's latest conviction. Respondent has presented overwhelming evidence of the significant change in life and his positive accomplishments since that change occurred. He substantially meets the Department's rehabilitation criteria. In light of Respondent's past convictions, it is prudent to initially issue Respondent a restricted license to insure protection of the public.

ORDER

Respondent Jerry White's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code. The restricted license issued to the Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

(a) The conviction of Respondent (including a plea of nolo contendere) of a Crime which is substantially related to Respondent's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two years have elapsed from the date of issuance of the restricted license to Respondent.

3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

Dated: April 13, 2010.



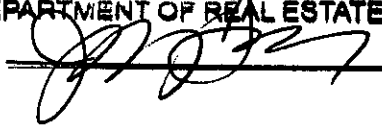
N. GREGORY TAYLOR
Administrative Law Judge
Office of Administrative Hearings

1 JULIE L. TO, Counsel (SBN 219482)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6916

FILED

DEC 29 2009

DEPARTMENT OF REAL ESTATE
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 JERRY WHITE,)
13)
14 Respondent.)

No. H- 36399 LA.

STATEMENT OF ISSUES

15
16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against JERRY WHITE, a.k.a. Jerry Michael White or Jeremy Cooper
19 or Jerome Cooper or Jerome Myron Cooper ("Respondent"), alleges
20 as follows:

21 1.

22 The Complainant, Robin Trujillo, a Deputy Real Estate
23 Commissioner of the State of California, makes this Statement of
24 Issues in her official capacity.

25 2.

26 On or about March 3, 2008, Respondent made application
27 to the Department of Real Estate of the State of California for

1 a real estate salesperson license.

2 FIRST CAUSE FOR DENIAL

3 (CRIMINAL CONVICTIONS)

4 3.

5 On or about October 16, 1974, in Case No. 31490875,
6 Respondent was convicted of violating two counts of Vehicle Code
7 Section 10851 (take vehicle without consent of owner/theft), a
8 misdemeanor; one count of violating Penal Code Section 487.3
9 (theft), a misdemeanor; and one count of violating Penal Code
10 Section 496 (buying stolen property), a misdemeanor. Respondent
11 was sentenced to 24 months probation, seven days in jail, and
12 ordered to pay fines.

13 4.

14 On or about August 23, 1976, in Case No. M2380731,
15 Respondent was convicted of violating Penal Code Section 484(A)
16 (theft of property), a misdemeanor. Respondent was sentenced to
17 12 months probation and ordered to pay fines.

18 5.

19 On or about December 2, 1986, in Case No. A637249,
20 Respondent was convicted of violating Penal Code Section 242
21 (battery), a misdemeanor. Respondent was sentenced to three
22 years probation and 53 days in jail.

23 6.

24 On or about June 8, 2001, in the Superior Court of the
25 State of California, County of Los Angeles, in Case No.
26 ICR08777, Respondent was convicted of violating Penal Code
27 Section 484(A) (theft of property), a misdemeanor. Respondent

1 was sentenced to 12 months probation, three days in jail, and
2 ordered to pay fines.

3 7.

4 On or about August 26, 2002, in the Superior Court of
5 the State of California, County of Los Angeles, in Case No.
6 2CR11172, Respondent was convicted of violating Penal Code
7 Section 666-484(A) (petty theft with a prior_, a misdemeanor.
8 Respondent was sentenced to 36 months probation, five days in
9 jail, and ordered to pay fines.

10 8.

11 In aggravation, on or about April 3, 2000, in Case No.
12 BA151281, Respondent was convicted of violating Health and Safety
13 Code Section 11350(A) (possession of a controlled substance), a
14 felony. Respondent was sentenced to 36 months probation, 90
15 days in jail, and ordered to pay fines and restitution.

16 9.

17 The convictions described in Paragraphs 3 through 7,
18 by their facts and circumstances, are crimes of moral turpitude
19 and bear a substantial relationship under Section 2910, Title
20 10, Chapter 6, California Code of Regulations to the
21 qualifications, functions or duties of a real estate licensee.

22 10.

23 The crimes of which Respondent was convicted, as
24 described in Paragraphs 3 through 7, constitute cause for denial
25 of Respondent's application for a real estate license under
26 Business and Professions Code Sections 475(a)(2), 480(a), and
27 10177(b).

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Statement of Issues and
3 that upon proof thereof, a decision be rendered imposing
4 disciplinary action against all the licenses and license rights
5 of Respondent, JERRY WHITE, under the Real Estate Law (Part 1 of
6 Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California

10 this 22 day of December, 2009.

11
12 
13 Robin Trujillo
14 Deputy Real Estate Commissioner
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25

26 cc: JERRY WHITE
27 Bennion & Deville Fine Homes, Inc.
Robin Trujillo
Sacto.